

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-10, 13, 15, and 17-23 are pending. Of these, Claims 18-19 are presently withdrawn.

Withdrawn Rejections

Applicants wish to thank Examiner Tsang for her consideration of Applicants' remarks dated July 6, 2009 and withdrawal of the 103(a) rejection against Claims 1-10, 13, 15, 17 and 20-23 over DeFrees, *et al.*, U.S. Patent No. 7,265,085 in view of Oetke, *et al.* (2002) *J. Biol. Chem.* 277(8): 6668-6695.

Obviousness-Type Double-Patenting Rejections

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,265,085 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 112-214 of U.S. PG Pub. 20080050772 (U.S. patent application no. 11/652,467) in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-155 of U.S. Patent No. 7,297,511 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-113 of U.S. Patent No. 7,226,903 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite

prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-32 of U.S. Patent No. 7,214,660 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-107 of U.S. Patent No. 7,179,617 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 1-94 of U.S. Patent No. 7,173,003 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

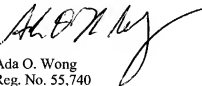
Claims 1-10, 13, 15, 17 and 20-23 are rejected on the ground of nonstatutory obviousness-type double-patenting as allegedly being unpatentable over claims 10-94 of U.S. Patent No. 7,157,277 in view of Oetke, *et al.*, "Versatile Biosynthetic Engineering of Sialic Acid Analogues," *J. Biol. Chem.* (2002), pgs. 6668-6695. Without necessarily commenting on the propriety of the rejection and solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer. Withdrawal of the rejection is therefore respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-442-1000.

Respectfully submitted,


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